



The need for new criminal justice & criminological approaches to end the 'War on Terror'

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The need for new emotionally intelligent criminal justice & criminological approaches to help end the 'War on Terror'

By Dr. David Patton

Abstract

Violent attacks in the West in recent years by terrorist groups have reinforced the fact that acts of violence by extremist groups are increasingly becoming a feature of 21st Century life. Understandably, such acts have been met with outrage, condemnation, horror and fear. In addition, the West's responses to such events have been amongst other things, more bombing for Syria; more resources given to the police; more powers for security agencies, greater surveillance employed and new laws passed which highlight that the war on terror is active. However, George Bush's declaration that the 'war on terror', "will not end until every terrorist group of global reach has been found, stopped and defeated" is unrealistic. The state response to terrorism broadly follows a 'war on terror' approach; similarly current criminal justice and criminological approaches also broadly follow a retributive style approach. This paper will argue that a new paradigm for an emotionally intelligent CJS is needed, one which utilises theories and models of criminal justice that are also emotionally intelligent, in order to put an end to the patterns of separation, exclusion, excessive punishment, shaming and humiliation and thus end the misguided approach used at present specifically in relation to terrorism (and more generally in relation to criminality).

Introduction

The state response to terrorism broadly follows a 'war on terror' approach. Similarly current criminal justice and criminological approaches also broadly follow a retributive style approach. This paper will argue that what is needed is a new paradigm to allow for the emergence of a new emotionally intelligent criminal justice system (CJS) with new models and forms of emotionally intelligent justice to accompany it, to end the cycle of further acts of 'violence'. The paper concurs with a radical feminist view that Peacemaking criminologists have utilised when observing that violence is inherent within the CJS. Thus a violent CJS is seeking to help eradicate and reduce acts of violence by extremist groups who seek to terrorize. The irony is obvious, and the track record of the CJS's effectiveness in dealing with terrorism shows that the current approach is not working.

Therefore, a new paradigm for an emotionally intelligent CJS is needed, one which utilises theories and models of criminal justice that are also emotionally intelligent and end the patterns of separation, exclusion, excessive punishment, shaming and humiliation (some of the very forces and mechanisms that have in part contributed to the creation of such extreme groups in the first place). Whilst the emphasis of this paper is more towards the need for emotionally intelligent justice in relation to terrorist offences, it is believed that an emotionally intelligent CJS and models of emotionally intelligent justice is needed more broadly when dealing with anyone who enters into the CJS.

The term "emotional intelligence" seems first to have appeared in 1964 (Beldoch, 1964) but was popularised by Goleman (1996). Mayer & Salovey, (1997: 10) define emotional intelligence as a set of interrelated skills:

“the ability to perceive accurately, appraise, and express emotion; the ability to access and/or generate feelings when they facilitate thought; the ability to understand emotion and emotional knowledge; and the ability to regulate emotions to promote emotional and intellectual growth.”

Therefore emotional intelligence provides an understanding and management of emotional data to help inform resultant judgments and decisions that promote positive growth.

Sherman (2003:26) argues that an emotionally intelligent justice system would be comprised of firstly, knowing the systems emotions in the form of CJS staff being aware of and being able to manage their emotions more effectively; secondly, recognising the emotional states of victims, offenders and others involved in the system; thirdly, being aware of the effects of decisions and the administration of ‘justice’ on those involved in the system.

It is advocated that Positive Criminology holds the greatest potential at present to help provide some of the much needed answers as to ‘what’ and ‘how’ this new paradigm of emotionally intelligent CJS and forms of justice may look moving forward.

“Positive Criminology (not to be confused with Positivist Criminology) is a new conceptual criminological perspective that scientifically targets crime, violence and "bad" experiences at the individual and social levels with goodness and with positively experienced encounters. Positive Criminology places an emphasis on social inclusion and on unifying and integrating forces at individual, group, social and spiritual levels that are associated with the limiting of crime.” (Positive Criminology, 2016)

The existing criminal justice system:

Critical criminologists along with others have rightly highlighted that crime is a social construct and thus the resultant response by the CJS, the public, media, etc. depends on who is accused (Pepinsky, 2013; Young, 2009; Taylor et al, 1973). Labelling theory, social reaction and moral panic theory have evidenced the powerful role that hegemonic labels and narratives can have on the social construction and reaction of crime and they have highlighted the central role the CJS plays in this (Young, 2009; Cohen, 1973; Becker, 1963; Goffman, 1959).

Terrorists and terrorism, whilst being a reality, also have a socially constructed ‘reality’ that has given rise to moral panic, stereotypes, and increased fears and anxieties. To date in 2016 there have been 23 terrorist attacks in France, USA, UK, Germany & Belgium (Humphrey’s, 2016). Extreme acts of non-state violence, political upheaval, mass migration and conflicts have evoked a great deal of fear, anger, hatred, uncertainty and a heightened sense of risk in the West (Coaffee, 2009). The increasing frequency and the scale of acts of non-state violence against the West have become a feature of 21st Century living. However, the resultant levels of moral panic, fear and perceptions of threat and risk of attack articulated in a media fuelled social construct of terrorism in the UK and the West, do not appear to be in alignment with the fact that since the year 2000 only 2.6% of all deaths from terrorism have occurred in the West, (and this figure lowers to 0.5% when the 911 attacks are excluded) (Global Terrorism Index, 2015).

The social construct that has been created about terrorists in the West has not aided the public or political discourses or the responses. Karstedt (2002) has noted that the public and political discourse is fuelled with emotionality in its response to crime.

“The ‘return of emotions’ to criminal justice and penal policies has occurred in two arenas: the emotionalization of public discourse about crime and criminal justice, and the implementation of sanctions in the criminal justice system that are explicitly based on—or designed to arouse—emotions. Both developments corresponded to the changing space of emotions and the emotional culture of late modern societies” (Karstedt, 2002:301).

Emotional reactions to crime in the public discourse tend to be focused on disgust, outrage and anger at what has occurred (the crime). Then typically emotions of sympathy, empathy and sadness are expressed in relation to the victim of a crime. Yet, it is shame, remorse and guilt that are the emotions ‘we’ typically want to see the offender experience.

When this ‘emotionality’ moves into the realm of criminal justice sanctions, it also seems that modern punishment has become “a realm for the expression of social value and emotion as well as a process for asserting control” (Garland, 1990: 4). This potent mix of emotionalization has only exacerbated the situation in relation to terrorism.

“Governments today are on a war footing in respect to...violent crime, and they are expected to produce an instant response whenever this is called for...high visibility crime cases become the focus of a great deal of media attention and public outrage, issuing in urgent demands that something be done. These cases typically involve a predatory individual, an innocent victim, and a prior failure of the criminal justice system to impose effective controls...Almost inevitably the demand is for more effective penal control.” (Garland, 2001: 172-173)

Peacemaking Criminology observes that violence is inherent within the CJS, its models of justice and the practices of its staff (Pepinsky, & Quinney, 1991). It is believed that patriarchy plays a key role in creating violence within the CJS following a radical feminist view that violence is ‘power over others’ or against ‘power sharing’ (Pepinsky, 2006:3). Thus structures, narratives, knowledge, policies, roles and practices based on someone (‘Father’) knowing best and being best placed to defend and protect has created the politics and practices of violence and fear. It is not difficult to observe patriarchy at play in policies and practices that seek to punish, exclude, shame, seek retribution and claim to be in the best interests of the majority and to offer the greatest protection.

In response to the rise of terrorist attacks in the West, the affected countries have been quick to respond with the creation of new laws to help control and protect their citizens from further harms, and in some cases this has led to a tension in the appropriate balance between the rule of law, upholding the human rights of the accused terrorist as well as ensuring that adherence to democratic processes have been followed. (United Nations 2009; Wouters & Naert, (2004)). It would seem that ‘the terrorist’ has become the target for the expression of public and political fear, anger, outrage, anxiety and has trumped other criminal actors such as rapists, drug dealers and child sex abusers both in terms of the resultant public discourse and the increased powers given to agencies within the CJS to detain, monitor and punish, as

evidenced in the long list of new terrorist legislations the UK has created since 2000 and the measures they have introduced:

- The Terrorism Act 2000
- The Anti-terrorism, Crime and Security Act 2001
- The Criminal Justice Act 2003
- The Prevention of Terrorism Act 2005
- The Terrorism Act 2006
- The Terrorism (United Nations Measures) Order 2006
- The Counter-Terrorism Act 2008
- The Coroners and Justice Act 2009
- The Terrorism (United Nations Measures) Order 2009
- The Terrorist Asset-Freezing (Temporary Provisions) Act 2010
- Counter-Terrorism and Security Act 2015

Whilst there is not space, nor a focus here to explore each piece of legislation in turn including CONTEST, the British Government's overarching counter-terror strategy (HM Government, 2011a: 40), it is clear that there has been an increase in control and surveillance.

"These acts gave sweeping and vastly increased new powers of stop and search, surveillance, arrest and detention, as well as creating new crimes, for example, the dissemination of material deemed to 'glorify terrorism'. Whilst ostensibly directed at all forms of 'extremism' (including far right groups and individuals) such legislative measures also impacted disproportionately, and negatively, upon Muslims in Britain, raising fears of an unstated policy of 'racial profiling' in policing practice and the application of the law, and leading many critics to argue that British Muslims were a new 'suspect community.'" (Coppock & McGovern, 2014: 243)

Further examples that demonstrate an increase in control and surveillance can be observed by the fact that the U.K. has one of the longest periods of pre-charge detention of any comparable democracy, currently at fourteen days (and previously at twenty eight days). In the USA the limit is two days, in Ireland it is seven days, in Italy it is four days and in Canada it is one day (Liberty, 2016). Further, stop and search statistics indicate that ethnic minorities are up to 42 times more likely to be stopped and searched by the police under anti-terror measures (Dodd, 2011; Travis, 2009). A further example is that British Muslim children and young people have been noted as being a key population group that the children and young people's services have been given a clear role by the state to control, monitor and 'police'. (Hickman et al., 2012; McGovern, 2010; Pantazis and Pemberton, 2009, 2011).

Policies, ideologies and acts of retribution, exclusion, excessive punishments, excessive powers being given to criminal justice agents, a disregard for human rights etc. are counter-productive, especially when dealing with extreme groups and their acts of violence. Such themes contributed in part to their creation and in some measure sustain their continuance. For example, the whole notion of 'radicalisation' where somebody becomes a terrorist or comes to support terrorism, is more likely to occur when an individual becomes or feels so excluded, separated, detached, resentful or 'punished' by British society/culture and its institutions that they turn to an 'alternative system' (Jackson, 2009; Kundhani, 2012).

Therefore, continuing to apply dominant models of criminal justice, namely the models of Crime Control, Status Passage and Power (King, 1981) that promote

further violence and exclusion, will not and cannot succeed in attaining the results that are needed especially in relation to terrorism. The Crime Control model is defined by its social function of punishment and being typically defined by its creation of high conviction rates due to its disregard for legal controls, support of the police and implicit presumption of guilt as well as the desire to highlight the unpleasantness of the experience for the offender. The Status Passage model is defined by its social function of denunciation and degradation along with its focus on public shaming and asserting the agent's control over the process. The Power model is defined by its social function of maintenance of class domination thereby promoting the labelling, stigmatisation, alienation and punishment of large classes of people.

The political and public discourses, social constructs, and moral panic that need to be created and maintained in order to justify the continuance of the above models can only be based on fear, hate, condemnation, labelling and stigmatisation, fostering a 'them' and 'us' mindset, highlighting 'risks' to the majority, which in turn can only evoke negative emotions and responses from the general public towards the 'other'/criminal/terrorist, and also, importantly can only evoke negative emotions and responses from those on the receiving end of the punishment provided by each of the above models. When the models are administered in an adversarial system as we have in the UK, which is premised on conflict and opposition and the emphasis of the trial is on the suspected persons guilt, and if convicted their punishment, and latterly their remorse, this only serves to entrench the patterns of negativity and violence.

The response of many western states to acts of violence inflicted upon their citizens has been to retaliate in kind through further violence. President Obama in a recent speech following the Orlando shooting stated:

"At the outset, I want to reiterate our objective in this fight. Our mission is to destroy ISIL...Over the past two months, I've authorized a series of steps to ratchet up our fight against ISIL. ... Our B-52 bombers are hitting ISIL with precision strikes. Targets are being identified and hit even more quickly. So far, 13,000 airstrikes...So far we have taken out more than 120 top ISIL leaders and commanders. And our message is clear, that if you target America and our allies, you will not be safe. You will never be safe." (Obama, 2016)

The pattern continues with more casualties and fatalities on both sides but the observation that "An eye for an eye only ends up making the whole world blind" (Ghandi, 1942) highlights the fact that a negative act, responded to in a negative way can only produce a further negative result. What is needed is an input/response of a different kind, as Martin Luther King noted "Hate cannot drive out hate; only love can do that" (King, 1987?). If we want to see a different result in relation to terrorism, then a different input/approach/response is needed from the State, the CJS, and society in relation to terrorism. In addition, if we want to see a different result, one that is positive, then it is advocated here that the input/approach/response needs to be positive in nature to ensure that the means are inherent in the ends in order to provide the much needed congruency and alignment with the desired positive outcome.

The United Nations (2009:5) commented that

"Many criminal justice systems are currently better at responding to and punishing crimes after the fact than at preventing them in the first place. Often, existing criminal justice practices are ineffective when it comes to

preventing terrorist conspiracies from achieving their aim...The goal is to proactively integrate substantive and procedural mechanisms to reduce the incidence and severity of terrorist violence, and to do so within the strict constraints and protections of the criminal justice system and the rule of law."

A new paradigm of an emotionally intelligent CJS & model of justice

If the pattern of fear, control and punishment continues to be repeated, this will do little to alleviate the situation. It is advocated here that a new paradigm is needed to allow for models and form(s) of emotionally intelligent justice that will allow for the creation of an emotionally intelligent CJS. One that draws upon a non-violent approach, integrates all parties into society, offering the possibility for a transformative and positive experience and to administer effective justice for all. New theories, paradigms and approaches in criminology need to be created and developed further, and existing ones brought to the fore of the discipline to support the creation of such emotionally intelligent justice.

"The new paradigm criminology could build is one in which a justice system becomes emotionally intelligent in all of its interactions with suspected, accused, and convicted offenders, as well as with victims, their families and communities...criminology can also invent ways to foster such intelligence at the level of social systems." (Sherman, 2003: 25-26)

Sherman (2003) highlighted two major tasks in making justice more emotionally intelligent, the first was to increase the capacity for the justice system to process cases with an awareness of all actors involved in the case so as not to increase the likelihood of recidivism. Therapeutic jurisprudence (TJ) would seem to be most appropriate here:

"Therapeutic jurisprudence ("TJ") has sought to look at the law in a richer way by pondering the therapeutic and antitherapeutic impact of "legal landscapes" (legal rules and legal procedures) and of the "practices and techniques" (legal roles) of actors such as lawyers, judges, and other professionals operating in a legal context." (Wexler, 2013: 463)

TJ has significant potential in reforming certain parts of the CJS. For example, if lawyers and judges were sensitive to and aware of the therapeutic or anti-therapeutic consequences that their words, actions and decisions can foster with those they are interacting with, and were adequately trained in how to do this effectively (Wexler, 2012), this alone would have a major impact within the CJS in terms of enabling it to become more emotionally intelligent. The 'affective turn' within the social sciences (Gregg & Seigworth, 2010) has brought about an interest in emotions, and in relation to emotionally intelligent justice occurring amongst criminal justice staff this would not be too dissimilar to the 'emotional labor' researched amongst customer service staff where emotions are managed for the benefit of the customer (Hochschild, 1983). One of the central aims of training CJS staff to be emotionally intelligent would be to increase their emotional intelligence (Goleman, 1996). Peacemaking Criminology would also seek to change the power dynamics and therefore the nature of the interactions between actors involved in the CJS, moving away from language, narratives and practices based on violence, to peacemaking (Pepinsky, 2006).

The second major task Sherman highlighted was to begin creating ‘bolder experiments’ that produce a broader range of tools which help people to remain law-abiding citizens but which are non-threatening to them. This will require new justice inventions, processes and practices that are diverse in nature and which are evaluated.

It is advocated here that Positive Criminology has great potential to create new experiments and a range of tools to support citizens, as it posits an alternative to the traditional focus on imprisonment, exclusion and shaming by utilising integrative, inclusive and positive forces and mechanisms.

Positive Criminology encompasses several theories and models. It broadens the focus of traditional criminology, from simply understanding the journey into deviant and criminal behaviour. Rather, with Positive Criminology, the focus is on positive components such as acceptance, altruism, compassion, encouragement, faith, forgiveness, goodness, gratitude, hope, humour, optimism, positive modelling, strengths, self-efficacy, social integration, spirituality with individuals and groups (Ronel & Segev; 2014; Ronel & Elisha, 2011). It is hoped that such foci will allow the transformation to occur to reproduce the positive component/experience for everybody’s benefit. They go on to advocate the adoption of Positive Criminology throughout the entire CJS. This paper would support this. It would seem that this move would afford the system coherence, ensuring that the means are inherent in the ends whilst still allowing for diversity in approaches.]

Flynn, (2013) adds a third major task, the need to include the involvement of the wider public in the creation of emotionally intelligent justice given their role in shaping criminal justice policy via political/election voting power (Loader, 2006; Ryan, 2003). Positive criminologists would support this, especially in relation to social integration, where they place a call for society to ‘positively and intelligently use its power, institutions, and means toward this end’ (Ronel & Segev; 2014:1394). The problem at present is that,

“Criminal Justice is now less autonomous than it was three decades ago, and more forcefully directed from the outside...A new relationship between politicians, the public and penal experts has emerged in which politicians are more directive, penal experts are less influential, and public opinion becomes a key reference point for evaluating options. Criminal justice is now more vulnerable to shifts of public mood and political reaction.” (Garland, 2001: 172)

There would clearly need to be a shift away from the popular forms of retribution that dominate political and public opinion to allow for the possibility of new forms of emotionally intelligent justice to emerge.

Table 1: The existing and the new ‘emotionally intelligent’ criminal justice systems in comparison

	Existing	New
Philosophy	Retributive	Transmutive
Method	Punitive	Utilising positive and

		unifying forces
Examples of some of the Key Values	Control Domination Oppression Punishment Deterrence Power Alienation	Emotional Intelligence Non violent Integration Inclusion Positive encounters Transformation Rehabilitation
Some Potential Outcomes	Social exclusion Shame/humiliation High recidivism rates Anger/Pain/ Resentment/ Hatred/Rejection/ Blame/ Vengeance/Alienation	Social inclusion Social Integration Desistence from crime Atonement/Acceptance/ Taking responsibility for actions/Positive self-identity

The CJS in the UK is dominated by negative responses and reactions to crime and criminality that are focused on retributive punishment and exclusion. What is needed is a new paradigm to create an emotionally intelligent CJS with new forms of emotionally intelligent justice to accompany it. One that is non-violent in its approach and is focused on inclusion and integration, that utilises positive encounters and forces in offering a transformative not punitive experience, and one that is resolute in raising the emotional intelligence and awareness of its staff of the therapeutic or anti-therapeutic effect of their words, actions, decisions and working practices/systems. The role of empathy should not be ignored here. One that includes and is informed by all of the voices of those affected by crime and criminality. Further, a new paradigm for an emotionally intelligent CJS system and model of emotionally intelligent justice is needed that has a congruence between their aims, means, theories, spirit/values and the principles upon which they are based and the positive outcomes that they aspire to produce. We must ensure that new forms of justice are not excessively focused on 'order' as opposed to justice, as this is likely to perpetuate the current system of control and power over equality and transformation.

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The challenges of creating an emotionally intelligent CJS

Current academic thinking around notions of emotionally intelligent justice, and positive experiences for offenders is very much in its infancy. It should be noted, however, that the current CJS in the UK has pockets of emotional intelligence operating within it already. For example, emotional intelligence within the current CJS can be found in the emergence of various problem solving courts: drug courts, domestic violence courts and community courts following more of a TJ approach (Nolan, 2009); the use of restorative justice by the Youth Offending Teams, by the police when working with victims (HMIC et al, 2012); and the Good Lives Model which is a strengths based rehabilitative approach when working with offenders (Ronel & Segev, 2014). [Nonetheless, it will remain a challenge to the CJS and policy makers as well as a challenge to traditional criminology to adopt such propositions. As with all new forms of knowledge and practice, there needs to be an appropriate time for the process of trial and error, action and reflection and evaluation to allow an appropriate time for this body of work to find its feet and mature further.

Academics, practitioners and others working in this field should not shy away from admitting that at present we know little about the 'how' in terms of achieving an emotionally intelligent justice system and understanding how it would function, though there have been suggestions from restorative justice advocates, TJ advocates, Peacemaking and Positive criminologists (Ronel & Segev, 2014; Wexler, 2012; Pepinsky, 2006; Zehr, 2002).

The priority of the first stage of this endeavour must focus on defining the best description of 'what' an emotionally intelligent CJS is and indeed what it would look like in practice, along with defining the related emotionally intelligent models of justice that would underpin this new system. Central to this discussion going forward are the questions of: what is justice? and how should power be exercised within it? It would seem that the current CJS has not got the right answer to such questions given the current results produced. A later phase should focus more exclusively on the creation of new tools, technologies and practices that would provide the operations of the new system.

Positive Criminology offers a perspective that pulls together common principles from a range of different theories, approaches, and models for example restorative justice (Zehr, 2002), the sociology of acceptance (Bogdan & Taylor, 1987), desistance (Burnett & Maruna, 2004; LeBel et al., 2008; Martin & Stermac, 2010), Peacemaking Criminology (Pepinsky, 2013); emotionally intelligent justice (Flynn, 2014); and TJ (Wexler, 2012). This new found 'home' for such a wide range of theories and models may provide a much needed critical mass of people working in the area of Positive Criminology to allow for new synergies and innovations to be created which allow for the much needed experiments, programmes, technologies and tools needed for an emotionally intelligent system to operate successfully.

There appears to be a range of views as to which emotions should be evoked in emotionally intelligent justice and by which party (victim/offender/community): shame (Braithwaite, 1989, Kahan, 1996,1998), remorse (Karstedt, 2002; Van Stokkom, 2002), empathy (Strang, 2002) and a whole range of positive emotions advocated by positive criminologists (Ronel & Segev, 2014; Ronel & Elisha, 2011). There will need to be clarity, alignment and agreement as to which emotions should be evoked and by which party, in both the procedures of the CJS and the models of justice underpinning it, and this will then need to be reviewed and evaluated, and changes made in accordance. Further, if shame is to feature in the new models of emotionally intelligent justice then care needs to be exercised as evoking shame can conflict at times with the principles of fairness and procedural justice not to mention the effectiveness of this approach in terms of recidivism and more holistically on the

person. Indeed there is a thin line between shame, humiliation and stigmatisation. It would seem that reintegrative shaming offers the best insight at present in terms of differentiating between the crime committed and the person (Braithwaite, 1989). It is acknowledged that it may be some time before an agreement can be reached as to which emotions should be evoked and by which party.

A key challenge for the establishment of emotionally intelligent justice and also a challenge to TJ is that at present in the UK we have a judiciary made up of predominantly older white males from the higher social classes (Cavadino et al, 2013). There is an obvious disparity between the judges and the judged in terms of race, religion and social class that has the potential to impede the successful implementation of TJ. The judiciary is not renowned for their openness to training or interventions that can limit their decision-making capacity (Cavadino et al, 2013). The contribution of TJ is a positive one by raising the awareness of criminal justice staff of the impact of their interactions on others involved in the CJS. The impact of this alone will be significant. However, a further challenge should be noted that it is hard to create authentic interactions that genuinely meet the aim of what is trying to be achieved in TJ and it is questioned as to whether such empathic intentions and interactions can truly be passed on via training or regulation in the workplace. This does not mean that such an attempt should be abandoned, rather that such matters will need to be considered in the operational strategy going forward.

A key challenge in including the 'voice' of the public in the creation of new emotionally intelligent models of justice is that this is not a simple task to achieve given current levels of understanding and emotionality, nor will it be achieved overnight. As Flynn (2014:365) has noted:

“Establishing an alternative paradigm of emotionally intelligent justice requires systems of communication and public engagement which acknowledge and are capable of challenging the gamut of cognitions, attitudes, values, beliefs, feelings and moral emotions which together underpin and legitimize traditional forms of punishment. Methods of communication must be developed which resonate with the symbols and ideals ordinary people find meaningful. The task of emotionally intelligent justice is to affirm new values of forgiveness reconciliation and recompense. To achieve this, nothing less than a complete reconfiguration of emotional and intelligent life is required. “

The powers, structures and mechanisms that have created current criminal justice policy and informed public and political discourse are unlikely to have a sudden awakening or desire to want to reform. Therefore we can expect a continuance of the hegemonic mechanisms operating through for example the government, the media and other agencies/actors in order to ensure that their position is secured and that the current punitive status quo is maintained (Nussbaum, 1996). This cannot be ignored in the challenge ahead especially in relation to engaging the public with the possibility of this task.

Conclusion

The need for and benefits of a new paradigm for an emotionally intelligent CJS, one that utilises theories and models of criminal justice that are also emotionally intelligent is clear. The existing criminal justice system, its related anti-terrorist legislation and moreover many of the negative principles and values on which they are based are likely only to exacerbate the situation further and continue a negative pattern of further 'violence'.

The magnitude of the task of creating a new paradigm for an emotionally intelligent CJS or new models of emotionally intelligent justice in the UK is not underestimated. However, the task cannot be ignored given some of the current outputs and harms created by the CJS in the UK as well as some of the dynamics present in contemporary life in the West: the increase in terrorist attacks, the negative public discourse dividing people along racial and religious lines, further draconian anti-terrorist legislation as well as the continuance of a 'war on terror' style response of the State against specific groups. The scale of the task ahead should not deter those who are committed to such an endeavour, as each step made along the way has the potential to reduce the levels of 'violence' and harms occurring in the CJS and beyond. We are presented with a great opportunity and only time will tell if we embrace this opportunity of creating a more emotionally intelligent understanding of justice for the benefit of all.

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